IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :6481 of 2006

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Dated: 12th June 2006.

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Between:

V.Swaroop Reddy

..... PETITIONER

AND

The Commissioner, Municipal Corporation of Hyderabad and another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

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W.P.NO.6481 OF 2006

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by the proceedings dated 13-03-2006 by the 2nd respondent demanding certain amounts of tax to be paid on the property held by the petitioner under the provisions of the Hyderabad Municipal Corporation Act, 1955, the present writ petition is filed with the prayer as follows:

> "For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in issuing the impugned letter No.5603/TC3/MCH, 2006, dt.13-3-2006 directing the petitioner to pay the property tax in respect of the premises 3-5-114/8, 3-5-1114/9 and 3-5-1114/10, situated at Rajmohalla, Kachiguda, Hyderabad, as illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the respondents to drop all further proceedings by accepting the three D.Ds., issued by the petitioner @ Rs.204.70 each D.D., and pass such other order or orders as may deem fit and proper in the circumstances of the case."

The learned counsel for the petitioner submits that the appropriate procedure of law was not followed before the said demand is made. However, any tax fixed under the Hyderabad Municipal Corporation Act (for short 'the Act') on the property, could be the subject matter of the appeal under Section 282 of the Act. Therefore, we do not see any reason to admit the writ petition.

However, having regard to the facts and circumstances of the case, we deem it appropriate, more particularly, that the petitioner approached this Court on 29-03-

2006, i.e., within fifteen days from the date of the demand and the matter is pending before this Court, to direct the respondents not to raise question of limitation, if an appeal is preferred by the petitioner, within a period of fifteen days from today.

Subject to the above observation, the writ petition is, accordingly, dismissed at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

12th June 2006

mrk